

# CHAPTER I

## GENERAL PROVISIONS

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# **CHAPTER I**

## **GENERAL PROVISIONS**

### **1.00.00      TITLE**

This Code shall be entitled the "St. Lucie County Land Development Code" and may be referred to herein as the "Code".

## **1.01.00      AUTHORITY**

This Code is adopted pursuant to Article VIII, Subsection 1(f) of the Florida Constitution, Section 125.01, et seq., Florida Statutes, and Section 163.3161, et seq., Florida Statutes.

## **1.02.00 PURPOSE AND INTENT**

### **1.02.01 GENERAL PURPOSE OF POLICIES**

The St. Lucie County Land Development Code is related to, based on, consistent with, and adopted to effectuate and implement the policies of the St. Lucie County Comprehensive Plan pursuant to Section 163.3201, Florida Statutes, in order to preserve, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare; encourage the most appropriate use of land, water, and resources; preserve and enhance the value of land and the character and stability of residential, agricultural, commercial, and industrial areas; facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other services; and to conserve, develop, utilize, and protect the natural resources within the County. Nothing in this Code shall deny, restrict or abridge, or otherwise infringe the right of individuals peaceably to assemble in any private residence provided that such activity does not otherwise violate applicable district regulations.

### **1.02.02 PURPOSE AND EFFECT OF THE COMPREHENSIVE PLAN**

The St. Lucie County Comprehensive Plan is a statement of the goals, objectives and policies to guide and implement future land development decisions within the County. In addition, the policies adopted in the Comprehensive Plan are intended to provide and shall serve as a framework for the Board of County Commissioners, the Planning and Zoning Commission, the Board of Adjustment, the Community Development Director and the County Engineer to review and decide applications for amendment to the Official Zoning Atlas, applications for amendment to the text of the Code, applications for development permits, applications for variances, applications for conditional use approval, site plans, and any other application required by the Code. Therefore, all actions taken in regard to amendments to the Official Zoning Atlas, amendments to the text of this Code, applications for developments permits, applications for variances, applications for conditional use approval, site plans, and any other application pursuant to this Code shall be consistent with the policies and provisions of the Comprehensive Plan.

ORD. 91-03

## **1.03.00      APPLICABILITY**

### **1.03.01      GENERAL APPLICATION**

This Code shall apply to all structures and the use of land throughout the unincorporated area of St. Lucie County, Florida. Existing structures and uses that are inconsistent with the provisions of the Code shall be permitted only as provided for in Chapter X of this Code. All applications filed pursuant to this Code shall be required to meet the requirements of this Code which are in effect on the date of final decision on the application.

### **1.03.02      GENERAL PROHIBITION**

It shall be unlawful for any person to carry out any development that is inconsistent with the requirements of this Code and the Comprehensive Plan.

It shall be unlawful for any person to alter, modify or otherwise change any existing development in such a way that fails to continue to meet the requirements of this Code.

### **1.03.03      BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE**

This Code shall not affect lawfully issued building permits, or site plans, provided that the building permit or site plan is not allowed to expire.

## **1.04.00 FINDINGS**

### **1.04.01 FINDINGS OF FACT**

- A. Chapter 163, Florida Statutes, requires St. Lucie County to enact land development regulations that implement and are consistent with the St. Lucie County Comprehensive Plan.
- B. Controlling the location, design and construction of development within the unincorporated area of St. Lucie County is necessary to maintain and improve the quality of life in the County and to protect the health, safety, and welfare of its citizens.
- C. The requirements and standards of this Code for transportation facilities are necessary for the public benefit of safe travel because the number of accidents resulting in property damage and injury increases as congestion increases on roads and that the fire, rescue, and law enforcement response times and disaster evacuation times increase as congestion increases on roads.
- D. The standards and requirements of this Code for facilities for potable water, sanitary sewer, solid waste, and stormwater management are necessary for the health, safety and welfare of the citizens of St. Lucie County and the protection of the environment and natural resources of St. Lucie County.
- E. The standards and requirements of this Code for parks are necessary for the health, safety, welfare and enjoyment of the citizens of St. Lucie County.
- F. The standards and requirements of this Code relating to the prevention of airspace obstructions hazardous to air navigation are necessary in the interest of public health, public safety and general welfare.
- G. Section 163.3177, Florida Statutes, provides that public facilities and services needed to support development must be available concurrent with the impacts of such development.
- H. Section 163.3202, Florida Statutes, provides that not later than one (1) year after its due date established by the State land planning agency's rule for submission of local Comprehensive Plans, a local government shall not issue a development order or permit which results in a reduction in the level of service for the affected public facilities below the level of service established in the Comprehensive Plan.

## **1.05.00 INCORPORATION BY REFERENCE**

### **1.05.01 OFFICIAL ZONING ATLAS**

ORD. 91-03

#### **A. Map Status**

The Official Zoning Atlas described in this section that is filed in the Office of the Community Development Director is hereby designated, established, and incorporated as a part of this Code, and is as much a part of this Code as if the information contained therein were set out in full in this Code.

#### **B. Procedures**

1. Each amendment to the Official Zoning Atlas shall be in accordance with the provisions of Section 11.06.00.
2. The original and a copy of the Official Zoning Atlas shall be filed with the Office of the Community Development Director, one of which shall be retained as the original record and shall not be changed in any manner, and the second of which shall be maintained up-to-date by posting thereon all changes and subsequent amendments.

### **1.05.02 OTHER MATERIALS (RESERVED)**



## **1.06.00 RULES OF INTERPRETATION**

### **1.06.01 GENERALLY**

This Code shall be construed liberally to effect the purposes thereof, and the rules of this section shall be observed except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses or derivative forms.
- B. Words in the singular shall include the plural and words in the plural shall include the singular.
- C. The masculine gender shall include the feminine and the feminine shall include the masculine.
- D. The particular shall control the general.
- E. The words "should" or "shall" or "will" are mandatory.
- F. The word "may" is permissive.
- G. In the event of a conflict between the text of this Code and any caption, illustration, table, or map, the text shall control.
- H. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- I. The word "erected" also includes constructed, reconstructed, altered, placed, or relocated.
- J. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- K. Delegation of Authority. Whenever a provision appears requiring the head of a Department or some other County Officer to do some act or perform some duty, it is to be construed to authorize the head of the Department or the County Officer to designate, delegate and obtain professional level subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise.
- L. The phrase "this Code" shall mean the St. Lucie County Land Development Code, and all subsequent amendments thereto, adopted on August 1, 1990.

### **1.06.02 DISTRICT BOUNDARIES**

In the event that any uncertainty exists with respect to the intended boundaries of the various zoning districts

as shown on the Official Zoning Atlas, the Board of County Commissioners shall make the interpretation using the following rules:

- A. The zoning district boundaries are the center lines of the streets, alleys, waterways, and rights-of-way, unless otherwise indicated. Wherever designation of a boundary line on the Zoning Atlas coincides with the location of a street, alley, waterway, or right-of-way, it shall be construed to be the boundary of such district.
- B. Where the zoning district boundaries do not coincide with the location of streets, alleys, waterways, and rights-of-way, but do coincide with lot lines, such lines shall be construed to be the boundary of such district.
- C. Where the zoning district boundaries do not coincide with the location of streets, alleys, waterways, and rights-of-way or lot lines, the zoning district boundary shall be determined by the use of the scale shown on the Zoning Atlas.
- D. Zoning district boundaries indicated as approximately following county boundaries shall be construed as following those boundaries.

## **1.07.00 REPEAL OF PRIOR PROVISIONS**

The following ordinances and provisions are hereby repealed as of the effective date of this Code:

- A. Appendix A, St. Lucie Code and Compiled Laws, The St. Lucie County Zoning Ordinance.
- B. Section 1-3-2--1-3-4, St. Lucie County Code and Compiled Laws, distance restrictions for alcoholic beverages.
- C. Chapter 1-5, St. Lucie County Code and Compiled Laws, Buildings and Building Regulations.
- D. Chapter 1-7.6, St. Lucie County Code and Compiled Laws, Environmental Control.
- E. Chapter 1-8.5, St. Lucie County Code and Compiled Laws, Flood Damage Prevention.
- F. Chapter 1-12.5, St. Lucie County Code and Compiled Laws, Mining and Excavation.
- G. Chapter 1-13, St. Lucie County Code and Compiled Laws, Mobile Homes.
- H. Article 4 and 5 of Chapter 1-16 of the St. Lucie County Code and Compiled Laws, Planning.
- I. Section 1-17-50 -- 1-17-80, St. Lucie County Code and Compiled Laws, Street and House Naming and Numbering, Right-of-Way Abandonment and Plat Vacation Procedures.
- J. Chapter 1-19, St. Lucie County Code and Compiled Laws, Subdivision Regulations.
- K. Division 2 of Article II of Chapter 1-20 St. Lucie County Code & Compiled Laws, Restrictions of Heavy Vehicles and Equipment in Residential Districts.

## **1.08.00      EFFECTIVE DATE; ENACTMENT**

This Code shall become effective on August 1, 1990. When any later provision of this Code is amended, however, the effective date of this Code means the effective date of such amendment for the purposes of deciding any question directly controlled by such amendment.

## **1.09.00 SEVERABILITY**

- A. If any section, subsection, paragraph, sentence, clause, or phrase of this Code shall for any reason be held to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code, which shall continue in full force and effect; it shall be construed that it is the legislative intent to adopt this Code without the unconstitutional, inoperative, or void section, subsection, paragraph, sentence, clause, or phrase.
- B. Furthermore, if any provision of this Code is held unconstitutional, inoperative, or void as applied to any person or property, such decision shall not apply to any other person or property.

## **1.10.00      MINIMUM REQUIREMENTS**

The provisions of this Code are the minimum requirements necessary to accomplish the purpose of this Code.